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on a single point are numbered by hundreds, what can be done? The only answer to such an inquiry can be that lawyers must endeavor to seek the principles at the foundation of their science and rely chiefly on accurate reasoning from these principles rather than simply on an endeavor to find cases similar in facts to the one under consideration. But such a search for fundamental principles cannot mean an endeavor to memorize sundry brief formulæ, but rather an effort, through testing every proposition by applying it to a variety of facts, to discover how many of the general statements in law books are gold and how many are mere dross.

Dean Ashley, who has been himself an active practitioner and is now at the head of a large law school in the City of New York, where, if anywhere, it may be supposed the demand for the immediately practical is insistent, finds time to write a book (doubtless in large measure the reflection of his teaching) which makes slight pretense to any elaborate collection or consideration of American decisions, but is occupied almost wholly with a statement and discussion of the theoretical principles which must govern all decisions involving the law of contracts. It is this method which the author invariably pursues of seeking the sound and reasonable principle rather than merely stating what courts have decided that is the most interesting feature of the book.

In general the writer's conclusions and reasoning will commend themselves to the reader, and even in cases where an individual student of the subject may differ from Dean Ashley's conclusions, he will always recognize the force of his arguments. The book is written, moreover, in an attractive style and is singularly readable.

The author, both in his preface and elsewhere, makes the fullest acknowledgment to the work of Professor Langdell and other writers on the law of contracts. His acknowledgments are indeed so generous that a hasty reader might fail to give the author himself sufficient credit for the power of analysis and of statement which he shows.

S. W.

THE LIABILITY OF RAILROADS TO INTERSTATE EMPLOYEES. By Phillip J. Doherty. Boston: Little, Brown and Company. 1911. pp. 371.

The last decade has witnessed in this country a marked tendency on the part of law makers to impose upon masters and hence, indirectly, upon society as a whole, a share of the burdens of industrial accidents hitherto, under common-law fictions, borne alone by workmen. It is for an interpretation of a remedial statute of this nature from what the author pleases to term the "humane," in contradistinction to the "property," point of view that this volume pleads. The particular statute under consideration is the Federal Employers' Liability Act of 1908. The work is in no wise a "text-book." Rather is it an aggressive and exhaustive "brief" urging (1) a broad and liberal interpretation of this Act, and (2) its constitutionality, being, in large measure, a reply to arguments advanced in a report of a committee appointed by a conference of railroad counsel at Atlantic City, N. J., in July, 1908, to consider questions arising under the Employers' Liability Acts. The contentions of the author as to the constitutionality of the Act of 1908 have recently been confirmed by the Supreme Court of the United States. *Second Employers' Liability Cases*, 223 U. S. 1, 32 Sup. Ct. 169. With the author's vigorous attack on the established but discredited common-law doctrines of fellow service and assumption of risk in his excellent second chapter, most readers will incline to agree, but the constant reiteration of hostility to these doctrines tends to become wearisome. Interesting originality is shown in the chapters considering "When

is a railroad engaged in interstate commerce?" and "What employees are engaged in interstate commerce?" and in the chapter supporting the proposition that "Congress may regulate the regulations between master and servant engaged in interstate commerce." The work as a whole, however, suffers from an excess of lengthy quotations and from a redundancy which suggests "padding."

R. T. S.

THE LAW OF EVIDENCE. By Sidney L. Phipson. Fifth Edition. London: Stevens and Haynes. 1911. pp. lxxix, 743.

In an earlier number (21 HARV. L. REV. 157) the fact was mentioned that Phipson on Evidence passed into its fourth lustrum of life coincidently with its fourth edition. The distinction of bringing out a fifth edition by his own hand has come to the author after a still shorter interval, and the success which has made this possible is well deserved. Our notice of the fourth edition renders unnecessary any detailed reference to the many merits of the book, among which are its neat and compact style, the skilful variation of type and spacing as aids to the eye, the illustrative examples following each chapter, and the author's careful study of the literature of his subject, English and American, including (p. 49) editorial comment in this Review. Over five hundred new cases have been added to the present edition, together with references to recent statutes affecting the English law, and the text has evidently been revised with care.

E. R. T.

THE LAW OF CONTRACTS. By Clarence D. Ashley. Boston: Little, Brown and Company. 1911. pp. xxviii, 310.

THE LAW AND CUSTOM OF THE CONSTITUTION. By Sir William R. Anson, Bart. Vol. I, Parliament. Reissue revised. Fourth Edition. Oxford: The Clarendon Press; London, New York, Toronto: Henry Frowde. 1911. pp. xxvi, 404.

THE UNDERLYING PRINCIPLES OF MODERN LEGISLATION. By W. Jethro Brown. London: John Murray. 1912. pp. xx, 331.

THE LAW RELATING TO CONFLICTING USES OF ELECTRICITY AND ELECTROLYSIS. By George F. Deiser. Philadelphia: T. & J. W. Johnson Company. 1911. pp. xv, 138.

CLAIMS. FIXING THEIR VALUES. By George F. Deiser and Frederick W. Johnson. New York: McGraw-Hill Book Company. 1911. pp. ix, 158.

THE LAW OF PERSONAL INJURIES. Based on the Statutes and Decisions of the Supreme Court and of the Court of Appeals of Georgia. By John L. Hopkins. Second Edition. In two volumes. Atlanta: The Harrison Company. 1912. pp. xvi, 772; xv, 773-1542.

A DIGEST OF ENGLISH CIVIL LAW. By Edward Jenks. Book III: Law of Property. London: Butterworth & Company; Boston: The Boston Book Company. 1911. pp. xlii, 547-668, 9.